

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CHRISTOPHER BLOUNT, LORI BLOUNT

PLAINTIFFS

vs.

Civil Action No. 3:03-cv-391WS

AVENTIS PASTEUR, ET AL.

DEFENDANTS

ORDER

Before the court are the claims of the plaintiffs for injuries allegedly arising from childhood vaccinations with vaccines containing Thimerosal,¹ a mercury laden preservative. Motions to dismiss were brought by the defendants pursuant to the National Childhood Vaccine Injury Act ("Vaccine Act"), 42 U.S.C. §§ 300aa-1-300aa-34² which requires that vaccine-related claims initially be heard by special

¹Thimerosal is a mercury-containing organic compound which has been used widely as a preservative in a number of biological and drug products, including many vaccines, to help prevent potentially life threatening contamination from harmful microbes. See United States Food & Drug Administration Vaccine Adverse Event Reporting System (VAERS).

²Title 42 U.S.C.A. § 300aa-11(2)(A) provides that "[n]o person may bring a civil action for damages in an amount greater than \$1,000 or in an unspecified amount against a vaccine administrator or manufacturer in a State or Federal court for damages arising from a vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988, and no such court may award damages in an amount greater than \$1,000 in a civil action for damages for such a vaccine-related injury or death, unless a petition has been filed, in accordance with section 300aa-16 of this title, for compensation under the Program for such injury or death and--

(i)(I) the United States Court of Federal Claims has issued a judgment under section 300aa-12 of this title on such petition, and

(II) such person elects under section 300aa-21(a) of this title to file such an action, or

(ii) such person elects to withdraw such petition under section 300aa-21(b) of this title or such petition is considered withdrawn under such section."

masters in the United States Court of Federal Claims ("Vaccine Court"), adjudicated informally and then accorded expeditious review. *See Shalala v. Whitecotton*, 514 U.S. 268, 269, 115 S.Ct. 1477, 1478, 131 L.Ed.2d 374 (1995). Inasmuch as this matter now is before the United States Federal Court of Claims awaiting disposition, this court hereby administratively dismisses this case while it is pending in the Vaccine Court.

SO ORDERED, this the 28th day of March, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

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